

BEST AVAILABLE COPYRemarks

The examiner has rejected old Claims 1, 3, 4, 6, 10, 16, 17, 23, 24 and 26-28. The Examiner has also objected to Claims 4 and 25 as being dependant on a rejected base claim, but has said that these claims would be allowable if re-written in independent form, including all the limitations of the base claim and intervening claims.

The applicant has amended the Claims 1 to 23 such that the limitations of old Claim 4 are now part of Claim 1. Claim 24 has been deleted as duplicating the limitation now present in the amended Claim 1.

Old Claim 25, which was dependant on rejected old Claims 1, 23 and 24, is now an independent claim containing the restrictions of the old base and intervening Claims (1, 23 and 24).

Old Claims 6, 10, 16-17, 23-24 and 26-28 are also now dependant on new Claim 1 (incorporating the limitations of old Claim 4), and should also be allowable.

As the withdrawn claims 7-9, 14, 15 all refer-back to allowable claims, the applicant requests that these claims be reinstated and allowed. The applicants reserve their rights to file continuation applications in respect of claims canceled or not reinstated by the examiner.

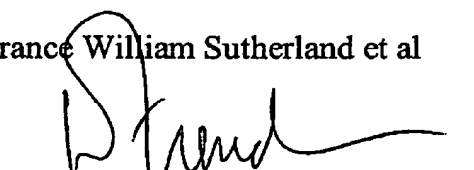
Conclusion

On this basis, it is believed that all of the examiner's concerns have been addressed and that the claims have now been placed in allowable form. Reconsideration is accordingly requested.

Respectfully submitted,

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per


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Schedule A.

**Response of January 11, 2006
to Examiner's Office Action of November 8, 2005.**

Please amend the claims to read as follows:

1. (Currently amended) A tubular bat, having an overall bat length, for hitting a ball, the bat comprising:

- a) a core shaft having a core shaft length, including a handle portion for gripping the bat;**
- b) a cylindrical barrel having a proximal portion and a distal portion with respect to the handle portion and having a constant diameter between said proximal and distal portions, the barrel for being connected to the core shaft;**
- c) a first connecting structure for connecting the proximal portion of the barrel to the core shaft;**
- d) a second connecting structure extending laterally from the core shaft for directly connecting the distal portion of the barrel to the core shaft;**
- e) a separation gap disposed between the core shaft and the barrel;**

wherein

- i) the barrel is for hitting the ball;**
- ii) the separation gap is for allowing the barrel to elastically deform when the barrel hits the ball, and**
- iii) the core shaft length extends substantially along the entire bat length and is of rigid, unitary, singular construction[[]],**

and wherein the first connecting structure and the second connecting structure respectively are elastically resilient flexible structures, and the first and second connecting structures each comprises a pleated shape.

BEST AVAILABLE COPY**Claims 2-5 (Cancelled)**

6. (Original) A bat as claimed in claim 1, wherein the core shaft cross-section comprises a substantially circular cross-section of substantially constant diameter along the core shaft length.
7. (Withdrawn) A bat as claimed in claim 1, wherein the handle portion cross-section comprises a substantially ovoid cross-section.
8. (Withdrawn) A bat as claimed in claim 1, wherein the handle portion cross-section comprises a substantially elliptical cross-section.
9. (Withdrawn) A bat as claimed in claim 1, wherein the handle portion cross-section comprises a substantially triangular shape.
10. (Previously Presented) A bat as claimed in claim 1, wherein the core shaft further includes a proximal shaft end beginning the handle portion and a distal end to the handle portion positioned intermediate the shaft end and the proximal end of the barrel, the bat further comprising a tapered section disposed between the distal end of the handle portion and the proximal end of the barrel.

Claims 11-13 (Cancelled)

14. (Withdrawn) A bat as claimed in claim 10 wherein the tapered section has a non-circular cross-section.
15. (Withdrawn) A bat as claimed in claim 14, wherein the tapered section non-circular cross-section is star shaped.
16. (Original) A bat as claimed in claim 1, wherein the second connecting structure serves as an end cap.
17. (Previously Presented) A bat as claimed in claim 1 wherein the barrel has a distal barrel end, further comprising an end cap disposed at the distal barrel end and wherein the core shaft extends to and connects with the end cap.

Claims 18-22 (Cancelled)

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23. (Previously presented) A bat as claimed in claim 1 wherein the first connecting structure extends laterally from the core shaft for directly connecting the proximal portion of the barrel to the core shaft.

24. (Canceled)

25. (Currently amended) ~~A bat as claimed in claim 24~~ A tubular bat, having an overall bat length, for hitting a ball, the bat comprising:

a) a core shaft having a core shaft length, including a handle portion for gripping the bat;

b) a cylindrical barrel having a proximal portion and a distal portion with respect to the handle portion and having a constant diameter between said proximal and distal portions, the barrel for being connected to the core shaft;

c) a first connecting structure for connecting the proximal portion of the barrel to the core shaft;

d) a second connecting structure extending laterally from the core shaft for directly connecting the distal portion of the barrel to the core shaft;

e) a separation gap disposed between the core shaft and the barrel;

wherein

i) the barrel is for hitting the ball; and

ii) the separation gap is for allowing the barrel to elastically deform when the barrel hits the ball, and

iii) the core shaft length extends substantially along the entire bat length and is of rigid, unitary, singular construction,

wherein the first connecting structure extends laterally from the core shaft for directly connecting the proximal portion of the barrel to the core shaft, the first connecting structure and the second connecting structure respectively are elastically resilient flexible structures and wherein the first and second connecting structures each comprise a pleated shape.

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26. (Previously Presented) A bat as claimed in claim 23 wherein the barrel has a distal barrel end, further comprising an end cap disposed at the distal barrel end and wherein the core shaft extends to and connects with the end cap.

27. (Previously Presented) A bat as claimed in claim 26 wherein the second connecting structure serves as the end cap.

28. (Previously Presented) A bat as claimed in claim 23 wherein the core shaft further includes a proximal shaft end beginning the handle portion and a distal end to the handle portion positioned intermediate the shaft end and the proximal end of the barrel, the bat further comprising a tapered section disposed between the distal end of the handle portion and the proximal end of the barrel.